

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

NATIONAL RAILROAD PASSENGER)	
CORPORATION,)	
Plaintiff,)	
v.)	
)	03 Civ. 12440-DPW
5,103 SQUARE FEET OF LAND,)	
LOCATED AT 40-46 HARVARD)	
STREET, SITUATED IN WESTWOOD,)	
MASSACHUSETTS; MORTIMER B.)	
ZUCKERMAN AND EDWARD H. LINDE,)	
TRUSTEES OF THE 40-46 HARVARD)	
STREET TRUST, OWNERS; AND)	
UNKNOWN OTHER,)	
Defendants.)	

DEFENDANT'S MOTION TO CONTINUE PRE-TRIAL CONFERENCE

The Defendants, Mortimer B. Zuckerman and Edward H. Linde, Trustees of the 40-46 Harvard Street Trust hereby move to continue the pre-trial conference, currently scheduled for December 20, 2004, to January 20, 2005 at 2:30 p.m., with the pre-trial memorandum being due one week earlier on January 13, 2005. As grounds for this Motion, the Defendants state that the pre-trial conference was recently rescheduled for December 20, 2004, a date on which Defendant's counsel will be out of the country on a long planned family vacation. After a discussion with Plaintiff's counsel, January 20, 2005 is a date that is available for all parties. Plaintiff's counsel has assented to this motion.

Respectfully submitted,
Defendants,
Mortimer B. Zuckerman and Edward H. Linde,
Trustees of the 40-46 Harvard Street Trust
by their attorney,

Neal C. Tully BBO # 504280
Masterman, Culbert & Tully LLP
One Lewis Wharf
Boston, MA 02110
(617) 227-8010

Dated: December 3, 2004

MCT/143961.1

CERTIFICATE OF SERVICE

I, Neal C. Tully, hereby certify that, on this date, I served a copy of the Motion, by first class mail, postage prepaid, to the following counsel of record:

Eric W. Wodlinger, Esquire
Choate, Hall & Stewart
Exchange Place
53 State Street
Boston, MA 02109

Neal C. Tully

December 3, 2004